

ORDINANCE – G-2014-2

INTRODUCED BY: Dr. H. Dan Adams
COMMITTEE: Administrative, Safety & Development

AN ORDINANCE AMENDING SECTIONS 18.170.010 AND 18.170.020
OF THE EVANSVILLE MUNICIPAL CODE

WHEREAS, pursuant to I.C. § 36-7-4-801, a unit may, through its zoning ordinance, require an improvement location permit for the erection, alteration, or repair of any structure on platted or unplatted land; and

WHEREAS, the City of Evansville has heretofore provided requirements and procedures for improvement location permits through its ordinance at EMC § 18.170.010; and

WHEREAS, the Area Plan Commission and the Common Council have determined that certain requirements for obtaining improvement location permits are in need of being updated and/or altered to reflect the interests of the City of Evansville and its citizens in considering, granting or denying such permits; and

WHEREAS, the zoning ordinance providing for improvement location permits must be amended to include a schedule of fees pursuant to I.C. § 36-7-4-801(c), but presently does not include any provisions for fees; and

WHEREAS, pursuant to I.C. § 36-7-4-411, the Area Plan Commission may establish a schedule of reasonable fees to defray the administrative costs connected with issuing permits; and

WHEREAS, pursuant to I.C. § 36-1-5-4, the Common Council is empowered to incorporate the schedule of those fees into an ordinance by reference rather than stating the schedule of fees in the ordinance verbatim, so that the Area Plan Commission may amend such schedule of fees from time to time without requiring legislative action; and

WHEREAS, the Area Plan Commission and the Common Council find that certain technical and nomenclature corrections to EMC § 18.170.020 are necessary;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Evansville, Indiana, as follows:

SECTION 1. AMENDMENT OF SECTION 18.170.010 OF THE MUNICIPAL CODE OF THE CITY OF EVANSVILLE, INDIANA.

Section 18.170.010 of the Municipal Code of the City of Evansville, Indiana is hereby amended by deleting said section as presently constituted and substituting in lieu thereof the following:

18.170.010 Improvement Location Permits – Zoning Use Permits.

(A) For the purposes of this title, the terms “Improvement Location Permits” and “Zoning Use Permits” have the same meaning.

(B) Issuance.

(1) No building or other structure shall be erected, moved, relocated, added to or structurally altered; nor shall any building, structure or land be established or changed in use; nor any

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JAN 22 2014
Dana Wickham
CITY CLERK

building be changed in use per Building Code, without first obtaining an Improvement Location Permit from the Area Plan Commission.

(2) An application for an Improvement Location Permit must be filed with the Area Plan Commission and must include the following:

(a) An accurate site plan drawn to scale for the principal and accessory structures and uses, existing and proposed, shall show at a minimum the following: dimensions, size and height of structure(s), location on lot indicating dimensions from the edge of the structure(s) to all lot lines, lot size, required setbacks for front, rear, and side yards, easements, location and width of existing and proposed driveways, location and height of existing and proposed fencing, and address as assigned by the Area Plan Commission;

(b) Except for one- and two-family dwellings, agricultural, and accessory structures, the site plan must also show the following:

(i) The exact property lines of the lot or parcel, including existing street edge of pavement and centerline, and right-of-way lines, alleys, and easements located adjacent to or within the lot;

(ii) Adjacent properties on the same and the opposite frontage, indicating the entrance and exits to those properties;

(iii) The exact location and dimension of access drives to the property, service drives, existing and proposed curb cuts, and proposed directions of traffic flow on the property and into and from public rights-of-way and ingress and egress easements;

(iv) The exact location and dimensions of any necessary frontage roads, acceleration and deceleration lanes, and passing blisters and any other auxiliary lanes;

(v) The exact location, dimensions, and type of off-street parking and loading facilities;

(vi) The exact location and size of the landscape islands and types of trees to be installed, if required, as detailed in EMC 18.135.120 (Interior Parking Area Green Space).

(vii) The exact location, type, and size of existing and proposed on- or off-premises signs including dimensions to lot lines from the edge of the sign;

(viii) The exact location, type, and height of existing and proposed fences including dimensions to lot lines from the edge of the fence; and

(ix) Any special site plan requirements of this Title for the proposed use.

(c) The name and contact information, as specified on the Improvement Location Permit Application, of the person and business seeking approval;

(d) Properties which abut any street designated as requiring a thoroughfare setback, per this title, must indicate the appropriate setback on the site plan;

(e) Any other plans or specifications which the Site Review Committee deems necessary to determine whether the plans conform to this title.

(3) Any application for an Improvement Location Permit for one-family dwellings, duplexes, and residential accessory structures shall not be forwarded to the Site Review Committee, but shall be approved if applicable code requirements are met. All other applications shall be forwarded to the Site Review Committee consisting of the following persons:

(a) The Director of the Area Plan Commission or a representative appointed by the Director of the Area Plan Commission, who shall serve as chairman;

(b) The Building Commissioner or a representative appointed by the Building Commissioner;

(c) A representative from the Evansville Fire Department;

(d) The City Engineer or a representative appointed by the City Engineer;

(e) A representative from the Evansville Water and Sewer Utility;

(f) A representative from the Department of Metropolitan Development if the property is located in an established Redevelopment Area;

(g) A representative from the Health Department, when applicable. (i.e. restaurant, packaged food, outdoor smoking areas, etc.);

(h) County Surveyor or a representative appointed by the County Surveyor if the property is located adjacent to a County regulated legal drain; and

(i) Any other agency as deemed necessary by the Director of the Area Plan Commission.

(4) The Site Review Committee shall either approve unanimously the Improvement Location Permit Application, state in writing its reasons the application does not meet city ordinances, or state the specific requirements of any Site Review Committee agency(s), that must be met, before approval of the application can be granted. The decision of the Site Review Committee pertaining to the requirements of this Title can be appealed to the Board of Zoning Appeals.

(5) The Director of the Area Plan Commission shall, after approval of the Improvement Location Permit Application by each member of the Site Review Committee, issue an Improvement Location Permit when the building and use conform to this title.

(6) The Site Review Committee may allow exceptions from this section if the purposes of this title and of the general welfare of the community are not adversely affected. Any member of the committee may appeal decisions of the committee concerning exceptions to the Board of Zoning Appeals.

(7) Land and buildings may be used or constructed only for the use for which the current Improvement Location Permit was issued.

(8) A representative for the applicant must be present at the meeting for the Improvement Location Permit application to be heard by the Site Review Committee.

(C) Improvement Location Permits – Voiding.

(1) An Improvement Location Permit may be revoked after at least 10 days' written notice, if the conditions of this title's requirements and/or the conditions of the permit are not met. A revoked Improvement Location Permit is void.

(2) An Improvement Location Permit must be obtained within six months after approval of the Site Review Committee or the application shall be void.

(3) An Improvement Location Permit is void if construction has not been started, or the use has not been established, within six months of the date of issuance.

(4) Upon inspection for the Certificate of Occupancy, if changes are determined to have been made on the site from the approved Improvement Location Permit Application, and upon request of any member of the Site Review Committee, the owner or contractor must furnish to the Site Review Committee an as-built site plan to confirm that the site conforms to the city ordinances and applicable Improvement Location Permits before approving the Certificate of Occupancy.

(5) Improvement Location Permits issued on the basis of plans and applications only authorize the use, arrangement, and construction shown in the approved plans. Any other use or construction not authorized shall be deemed a violation and will require corrected site plans or will be subject to all penalties and other enforcement actions provided for in this title.

(6) Violation of another Section of this Title concerning the subject parcel(s) shall be grounds for denial of the Improvement Location Permit application until the parcel(s) is brought into compliance.

(D) Schedule of Fees. The fees for obtaining an Improvement Location Permit are stated on the Schedule of Fees as determined by the Area Plan Commission, and two (2) copies of the Schedule of Fees are on file in the office of the City Clerk for public inspection.

SECTION 2. AMENDMENT OF SECTION 18.170.020 OF THE MUNICIPAL CODE OF THE CITY OF EVANSVILLE, INDIANA.

Section 18.170.020 of the Municipal Code of the City of Evansville, Indiana is hereby amended by deleting said section as presently constituted and substituting in lieu thereof the following:

18.170.020 Temporary Improvement Location and Occupancy Permits.

Temporary Improvement Location and Occupancy Permits may be granted by the Director of the Area Plan Commission after approval of the Site Review Committee.

SECTION 3. EFFECTIVE DATE

This ordinance shall be in full force and effect upon final passage by the Common Council of the City of Evansville.

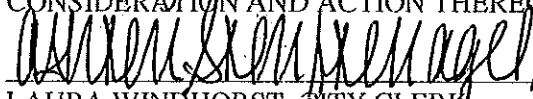
PASSED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE INDIANA ON
THE 10th DAY OF February, 2014, ON SAID DAY SIGNED BY THE PRESIDENT
OF THE COMMON COUNCIL AND ATTESTED BY THE CITY CLERK.



PRESIDENT
COMMON COUNCIL OF
THE CITY OF EVANSVILLE

ATTEST:

PRESENTED TO ME, THE UNDERSIGNED CITY CLERK OF THE CITY OF
EVANSVILLE, INDIANA, TO THE MAYOR OF SAID CITY, THIS 11th DAY OF
February, 2014, AT 11:30 O'CLOCK A M FOR HIS
CONSIDERATION AND ACTION THEREON.


LAURA WINDHORST, CITY CLERK DEPUTY
CITY OF EVANSVILLE, INDIANA

HAVING EXAMINED THE FOREGOING ORDINANCE, I DO NOW, AS MAYOR OF THE
CITY OF EVANSVILLE, INDIANA, APPROVE SAID ORDINANCE AND RETURN THE SAME TO
THE CITY CLERK THIS 12th DAY OF FEBRUARY, 2014.


LLOYD WINNECKE, MAYOR
CITY OF EVANSVILLE, INDIANA

APPROVED AS TO FORM:


TED C. ZIEMER, JR., CORPORATION COUNSEL